

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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|-----------------|--------------------------------|---|----------------------------|
| In re App. No.: | 09/449,021 |) | <u>PATENT APPLICATION</u> |
| | |) | |
| Filing Date: | November 24, 1999 |) | Art Unit: 2192 |
| | |) | |
| Inventor: | Emmelmann |) | Examiner: C. Kendall |
| | |) | |
| Title: | <i>Interactive Server Side</i> |) | |
| | <i>Components</i> |) | |
| | |) | <u>Customer No.: 28554</u> |

INTERVIEW SUMMARIES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This correspondence summarizes recent telephone interviews between applicant, the Primary Examiner, and the Supervisory Examiner, and accompanies the filing of a response to the Office Action dated July 1, 2009.

1. September 10, 2009

Applicant requested an interview with the Primary Examiner and his Supervisory Examiner primarily to discuss and attempt to resolve an apparent disagreement over the nature and scope of the cited prior art articles as applied to applicant's claims. In addition, applicant sought to confirm that proposed amendments would resolve the outstanding section 101 rejection.

The first interview was conducted by telephone on September 10, 2009 with Examiner Kendall, applicant Helmut Emmelmann, and attorney of record Richard Nebb. No agreement was reached with regard to prior art issues, but it was agreed that the section 101 rejection was overcome by applicant's proposed amendments faxed on July

21, 2009. Examiner Kendall also suggested that we discuss our position regarding the prior art with Supervisory Examiner Dam, which is discussed further below. Applicant appreciates the time spent by the Examiner discussing and clarifying these issues.

Applicant provided the Examiner with a PowerPoint presentation by email prior to the interview, and a copy is attached. The presentation outlines applicant's main arguments that the WebWriter articles do not teach or suggest an editor that runs a web application while editing it, and that applicant's claims include adequate limitations, in several different formats, to clearly recite this distinction. The Examiner indicated that he had shared and discussed the presentation with Supervisory Examiner Dam prior to the telephone interview. However, Mr. Kendall did not allow applicant to complete its presentation, instead stopping the presentation at slide #5 and then engaging in a discussion of the cited art, primarily as it was applied to claim 1.

In applicant's system, an application is actually run while editing, and therefore the visual appearance on a display while editing is similar to the actual appearance to the end user when the application is running normally. This is very advantageous to the application developer since he is provided with immediate visual feedback as to how his application will look when run by a user.

In contrast, neither of the WebWriter articles teach or suggest that dynamic content is run while using the editor. The WebWriter I article describes that placeholders are used by the editor to represent the dynamic content when a page template is created or edited in an editing mode. The figures in the WebWriter I article show how the page looks when in the editing mode, i.e., showing placeholders (see Fig. 7(b)), and how the page looks when it is run by the web application, i.e., showing the substituted content (see Fig. 6(b)). However, Mr. Kendall did not review these figures with applicant during the interview, despite applicant's repeated attempts to do so. When editing is completed, the template is saved, and then it is available to users. **The editor does not run and is not available to the user (or the developer) when the web application is running under control of the page generator, and there is no hint or suggestion in either of the WebWriter articles of such a feature.**

The WebWriter articles describe two distinct programs: the WebWriter Editor, and the WebWriter Page Generator, it is clear that these two programs do not run at the

same time. When a user runs a web application, it is under the control of the WebWriter Page Generator, not the WebWriter Editor, and the page template is retrieved from storage, then the placeholders are replaced by the dynamic content, such as the output scripts, which are then executed. The WebWriter Editor is a separate program and does not function or have any interaction with the WebWriter Page Generator during normal run-time operation. However, applicant acknowledges that there is implicitly a page generator associated with the WebWriter Editor in order to generate the displays shown in Fig. 7(b), for example, but submits that it is not the WebWriter Page Generator, and that nothing in the WebWriter articles makes any hint to such effect.

The Examiner cites the WebWriter Page Generator as the document generator recited in claim 1. However, the WebWriter Page Generator does not generate pages having editing features, as required by claim 1. In applicant's reading, it is the WebWriter Editor that generates pages with editing features, not the WebWriter Page Generator.

The Examiner takes the position that replacement of the placeholders with dynamic content while the web application is running is an editing function (like insertion), and therefore, the WebWriter article does teach that editing does occur while running the application, and also, that this is a common feature of known editors. Applicant respectfully disputes that interpretation as overly broad and inconsistent with well known principles and terminology for editing technology.

The Examiner also takes the position that applicant's claims do not recite any distinction between what happens at run time and at editing time, but simply recite a page generator and an editor, which are disclosed in the WebWriter articles. As an example of his position from the most recent office action, the Examiner believes that the language in claims 1, 6 and 22 does not "preclude, include or exclude when execution or running of the editor as taught by WebWriter is performed." Applicant again respectfully disagrees, and noted the use of different language in several of the independent claims specifically directed to either (i) editing while running the web application, (ii) the output display during editing looking similar to that at runtime, and (iii) cooperation between the editor and the page generator.

2. September 22, 2009

A second interview was conducted on September 22, 2009 with Supervisory Examiner Dam and attorney Nebb to discuss the cited art. No agreement was reached with regard to prior art issues.

Supervisory Examiner Dam expressed his agreement with Examiner Kendall that WebWriter discloses editing while running the web application, and more generally that WebWriter discloses an editor and page generator as claimed.

Subsequent to these interviews, on September 23, 2009, applicant faxed a letter (copy attached) to Examiner Kendall and Supervisory Examiner Dam attempting to explain applicant's position. Applicant has been unable to reach either Mr. Kendall or Mr. Dam to discuss this issue further,

Respectfully submitted,

Date: October 1, 2009

By: /Richard A. Nebb/

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- Encl. (1) Power Point presentation
(2) Letter to Mr. Kendall and Mr. Dam